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July 29, 2017

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By ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

RE: Ex Parte Submission
WC Docket No. 17-126
ITC-T/C-20170511-00094, ITC-T/C-20170511-00095

Dear Ms. Dortch:

The Wright Petitioners, by and through their counsel, and pursuant to Section 1.1206(b) of the Commission's rules, hereby submit this Ex Parte Presentation regarding the above-referenced transfer of control applications.

First, attached hereto as Exhibit A is the Petition for Rehearing En Banc, filed with the United States Court of Appeals for the District of Columbia on July 28, 2017, by the D.C. Prisoners' Legal Services Project, Citizens United for Rehabilitation of Errants, the Prison Policy Initiative, The Campaign for Prison Phone Justice, Prison Legal News, and Office of Communications, Inc. of the United Church of Christ. As noted in prior filings in the instant proceeding, the submission of the Petition for Rehearing En Banc means the various determinations made by the court in the *GTL Decision* will not become effective until some undetermined time in the future.

Second, attached hereto as Exhibit B and Exhibit C are charts providing the remote video visitation rates charged by Securus for family and attorneys. In a July 21, 2017 letter to Commissioner Mignon Clyburn, which was filed by counsel for Securus Investment Holdings, LLC, Securus Technologies, Inc., T-NETIX, Inc., and T-NETIX Telecommunications Services, Inc. (collectively, "Securus") and SCRS Acquisition Corporation ("Platinum Equity"), Securus stated that "Video Calling has increased exponentially and we charge only \$.24 per minute."

As shown in Exhibit B, Securus charges far more than \$.24 per minute for its video visitation services in a vast majority of its correctional facilities where it charges a fee, with the average rate for remote family members being \$.35 per minute. Further, as shown in Exhibit C, when Securus charges a fee for attorneys to have remote access to their clients, the vast majority of those rates are above \$.24 as well, with the average per minute rate being \$.38.

Thus, the information presented by Securus to Commissioner Clyburn, and to the Commission's staff reviewing the above-referenced applications, was substantially and materially false when it stated that Securus "charge(s) only \$.24 per minute." Even if Securus had meant that it charges *an average* of "\$.24 per minute," with some rates being higher and others lower, the statement would still be incorrect. For ease of reference, the attached charts highlight the rare occurrences of when families and attorneys are charged \$.24 per minute or less. As should be obvious, Securus represented a far different picture in its letter to Commissioner Clyburn and the Commission's staff.

Finally, in its letter to Commissioner Clyburn, and its press statements charging the Commissioner and (presumably) undersigned counsel for incitement, Securus has argued that "when you think of Securus' rates – including all of the free calls that we provide – think \$.09 per minute." (Exhibit D) Further, it has stated that its "average rate for June, 2017 is \$.184 per minute, or \$2.21 per call" for a 12-minute call, or \$2.76 for a 15-minute call.

Disregarding the ridiculous allegation of incitement, undersigned counsel used Securus' rate calculator to determine the Intrastate ICS rates that would be charged for inmates each Securus facility in Michigan to call the Palace of Auburn Hills Ticket Office – (248) 377-0100.

The data presented in Exhibit E, which, again, was pulled directly from Securus' rate calculator, reflects that *no inmate in Michigan* would be able to call the Palace of Auburn Hills for \$.184 per minute, under any Securus calling plan. The least expensive call would be from the Wayne County facilities, and that rate is \$.50 per minute. Overall, the average rate across all of Michigan to call the Palace of Auburn Hills for each of the four Securus calling plans is as follows:

	1st Minute	2nd Minute	15 Minute
Advanced Connect	\$4.81	\$0.78	\$15.78
Direct Bill	\$4.87	\$0.80	\$16.01
Inmate Debit	\$4.67	\$0.78	\$15.59
Traditional Collect	\$4.83	\$0.80	\$15.97

Thus, while Securus should be commended for urging the public to "look at the data – the data does not lie", it is clear that Securus has presented data to the Commission in connection with the proposed transaction that is demonstrably false. The video visitation rates cited by Securus were off by \$.11 per minute and

\$.14 per minute respectfully, and it is inconceivable that every single correctional facility in the State of Michigan – with Securus serving more than 70 – is simply an outlier in comparison to Securus' claimed average rate of \$0.184 per minute.

Given that these statements are being made by a Securus management team which will to remain in place if the proposed transaction is approved, it is clear that the grant of the above-referenced applications is not in the public interest, convenience and necessity.

Should you have any questions regarding these matters, please contact undersigned counsel.

Respectfully submitted,



Lee G. Petro

Counsel for the Wright Petitioners

cc (by/email):

Chairman Ajit Pai

Commissioner Mignon Clyburn

Commissioner Michael O'Rielly

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Paul C. Besozzi, Counsel for Transferor and Licensees

William B. Wilhelm, Jr., Counsel for the Transferee

EXHIBIT A

**ORAL ARGUMENT HELD ON FEBRUARY 6, 2017
DECIDED JUNE 13, 2017**

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

No. 15-1461

(consolidated with Nos. 15-1498, 16-1012, 16-1029, 16-1038, 16-1046 and 16-1057)

**GLOBAL TEL*LINK, *ET AL.*,
PETITIONERS,**

v.

**FEDERAL COMMUNICATIONS COMMISSION
and UNITED STATES OF AMERICA,
RESPONDENTS.**

On Petitions for Review from an Order of the
Federal Communications Commission

**PETITION FOR REHEARING EN BANC
OF INTERVERNORS, THE WRIGHT PETITIONERS**

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July 28, 2017

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CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES

Pursuant to Circuit Rule 28(a)(1), the State and Local Government Petitioners certify as follows:

A. Parties and Amici

These cases involve the following parties:

1. Petitioners

No. 15-1461: Global Tel*Link

No. 15-1498: Securus Technologies, Inc.

No. 16-1012: Centurylink Public Communications, Inc.

No. 16-1029: Telmate, LLC

No. 16-1038: National Association of Regulatory Utility Commissioners

No. 16-1046: Pay Tel Communications, Inc.

No. 16-1057: State of Oklahoma, *ex rel.* Joseph M. Allbaugh, Interim Director of the Oklahoma Department of Corrections; John Whetsel, Sheriff of Oklahoma County, Oklahoma; The Oklahoma Sheriffs' Association, on behalf of its members.

2. Respondents

Federal Communications Commission and the United States of America.

3. *Intervenors and Amici Curiae*

No. 15-1461: *Intervenors for Petitioners*: Centurylink Public Communications, Inc.; Indiana Sheriff's Association; Lake County Sheriff's Department; Marion County Sheriff's Office.

Intervenors for Respondents: "The Wright Petitioners" (Campaign for Prison Phone Justice; Citizens United for Rehabilitation or Errants; DC Prisoners' Project

of the Washington Lawyers' Committee for Civil Rights and Urban Affairs; Dedra Emmons; Ulandis Forte; Human Rights Defense Center; Laurie Lamancusa; Jackie Lucas; Darrell Nelson; Earl J. Peoples; Ethel Peoples; Prison Policy Initiative; United Church of Christ, Office of Communication, Inc.; Charles Wade); Network Communications International Corp.

Amici Curiae for Respondents: Leadership Conference on Civil and Human Rights; County of Santa Clara; State of Minnesota; State of Illinois; State of New York; Commonwealth of Massachusetts; State of Washington; State of New Mexico; District of Columbia

No. 16-1057: Intervenors for Petitioners: State of Arizona; State of Arkansas; State of Indiana; State of Kansas; State of Louisiana; State of Missouri; State of Nevada; State of Wisconsin.

B. Rulings Under Review

These consolidated appeals challenge an Order of the Federal Communications Commission *Rates for Interstate Inmate Calling Services*, 30 FCCRcd. (2015).

C. Related Cases

The cases consolidated before this Court in this action are Case Nos. 15-1461, 15-1498, 16-1012. Related action involves some of the same parties and similar issues: *Securus Technologies, Inc v. FCC*, No. 13-1280 and consolidated cases (D.C. Cir.). By order of this court No. 13-1280 has been held in abeyance.

**In the
UNITED STATES COURT OF APPEALS FOR
THE DISTRICT OF COLUMBIA**

Global Tel*Link, et al.)	
)	
Petitioners,)	
)	
v.)	
)	No. 15-1461 and
Federal Communications Commission)	Consolidated Cases
and United States of America)	
)	
Respondents.)	

**CORPORATE DISCLOSURE
STATEMENT**

Pursuant to the United States Court of Appeals for the District of Columbia Rule 26.1 and Federal Rule of Appellate Procedure 26.1, the D.C. Prisoners’ Legal Services Project, Citizens United for Rehabilitation of Errants, the Prison Policy Initiative, The Campaign for Prison Phone Justice, Prison Legal Newand Office of Communication, Inc. of the United Church of Christ respectfully submit this Corporate Disclosure Statement.

The D.C. Prisoner’s Legal Services Project is a project of the Washington Lawyers’ Committee for Civil Rights & Urban Affairs, a nonprofit corporation which has no parent companies, subsidiaries, or affiliates that have issued shares to the public.

Citizens United for Rehabilitation of Errants (“CURE”) is a nonprofit corporation that has no parent companies, subsidiaries, or affiliates that have issued shares to the public.

The Prison Policy Initiative is a nonprofit corporation that has no parent companies, subsidiaries, or affiliates that have issued shares to the public.

The Campaign for Prison Phone Justice is jointly led by the Media Action Grassroots Network, Working Narratives, Prison Legal News, and diverse civil and human rights organizations. The Media Action Grassroots Network is a project of the Center for Media Justice, a nonprofit corporation that has no parent companies, subsidiaries, or affiliates that have issued shares to the public. Working Narratives is a nonprofit organization that has no parent companies, subsidiaries, or affiliates that have issued shares to the public.

The Human Rights Defense Center, a nonprofit corporation that has no parent companies, subsidiaries, or affiliates that have issued shares to the public.

The Office of Communication, Inc. (“UCC OC, Inc.”) is a not-for-profit corporation of the United Church of Christ (“UCC”). The United Church of Christ is a not-for-profit, religious organization, with 5,100 local congregations across the United States. Neither UCC nor UCC, OC Inc. has any parent companies, subsidiaries, or affiliates that have issued shares to the public.

Respectfully submitted,

/s/ Andrew Jay Schwartzman

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July 28, 2017

TABLE OF AUTHORITIES

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INTRODUCTION

A divided panel in this case struck down FCC regulations designed to rein in monopoly-fueled overcharges for prison inmates' telephone calls that often constitute the only contact between incarcerated individuals and their families. The panel did so on the basis of its *de novo* interpretation of the governing statute, refusing, except on one issue, to defer to the FCC's longstanding statutory interpretations in a notice-and-comment rulemaking. This was not because the interpretations were unreasonable, or because the Commission had rescinded its decision, but because the agency's Deputy General Counsel represented in a letter to the Court¹ that a majority of the Commission no longer supported all of the issues as briefed. The panel's opinion (Attachment A) is at odds with fundamental *Chevron* principles and conflicts with decisions of the Supreme Court and this Circuit.

Issues Presented

1. Whether the panel properly declined to afford *Chevron* deference to a validly-adopted and operative agency decision because litigation counsel abandoned defense of the decision after briefing but before oral argument.
2. Whether the panel decision interpreting §276 of the Communications Act, so as to preclude regulation of interstate and intrastate prison phone rates, the

¹Letter from David Gossett, January 31, 2017 ("Letter")(Attachment B).

use of industry-wide averages in setting rates, and the exclusion of site commissions as costs in calculating permissible rates, conflicts with this Court's precedents.

Background

The FCC found that

For families, friends, clergy, and attorneys to the over 2 million Americans behind bars and 2.7 million children who have at least one parent behind bars, maintaining phone contact has been made extremely difficult due to prohibitively high charges on those calls.²

Prison phone ("ICS") providers have exclusive contracts with correctional facilities. In many instances, providers pay kickbacks (euphemistically referred to as "site commissions"), which, Judge Pillard agreed, are actually "legal bribes to induce correctional agencies to provide ICS providers with lucrative monopoly contracts."³ This turns ordinary market forces upside down; providers offer ever-larger commissions to obtain contracts and pass on the fees to their (literally) captive customers. Site commissions often reach 55-60% and, in some instances, "can amount to as much as 96 percent of gross ICS revenues."⁴ Inmates or family members in some jurisdictions have had to pay as much as \$56.00 to initiate a 4-

²*Rates for Inmate Calling Services*, 30 FCCRcd 12763 (2015) ("Order") [JA1288].

³Dissent, p.9 (*quoting Order* at 12821)[JA1344].

⁴*Order* at 12821 (omitted footnote cites rates of 93.9% (AZ), 82-85.1% (GA))[JA1344]; Comments of HRDC, Exhibit A (March 25, 2013)[JA 379].

minute call.⁵ No one seriously disputes that the ICS market is dysfunctional. The panel's erroneous decision allows ISC providers to exploit these conditions to extort exorbitant rates for these calls, with dramatic adverse societal impact on inmates⁶ and their families.⁷

47 U.S.C. §276 (Attachment C) was adopted to address discontinuities in the payphone market that emerged as competition in telecommunications services evolved. Section 276(b)(1) gives the FCC authority over “each and every completed intrastate and interstate [payphone] call,” and §276(c) preempts inconsistent state regulation. Section 276(d) expressly includes “provision of inmate telephone service in correctional institutions” within the definition of “payphone services.”

Giving no deference to fifteen years of FCC interpretations, the panel decision held that §276 does not authorize any regulation of intrastate calling rates,

⁵Opinion, p.13 (citing *Order* at 12765 n.4)[JA1288]; see *Rates for Inmate Calling Services*, 28 FCCRcd 14107, 14126 (2013)(“2013 Order”)(“\$17.30 for a 15-minute call”)[JA530].

⁶“With remarkable consistency, studies have shown that family contact during incarceration is associated with lower recidivism rates.” Examining the Effect of Incarceration and In-Prison Family Contact on Prisoners’ Family Relationships, 21 J. OF CONTEMP. CRIM. JUSTICE 314, 316 (2005)), (cited in *Order* at 12766 n.13 [JA1289]); see Amicus Brief of Minnesota, *et al.*, pp. 8-10.

⁷“Lack of regular contact with incarcerated parents has been linked to truancy, homelessness, depression, aggression, and poor classroom performance in children.” *2013 Order*, at 14109(quoted Prison Phone Commentators Reply Comments at pp. 4-5)[JA513].

which account for at least 80% of overall ICS call volume,⁸ and invalidated the FCC's use of industry-wide averages for calculating intrastate and interstate rates. With respect to the FCC's treatment of site commissions, which agency counsel did defend at argument, the panel purported to afford *Chevron* deference. But in ruling that site commissions may not be excluded from cost calculations, the panel did not look to the FCC's interpretation set forth in the *Order* or in numerous prior agency decisions. Rather, it substituted its own reasoning in finding that the exclusion of site commissions from the cost calculus was arbitrary and capricious.

Rule 35(b) Statement

This case is of exceptional importance for two reasons:

First, the panel declined to afford deference to the FCC's detailed interpretations of §276 as set forth in a validly-adopted agency order because counsel abandoned the agency's brief, even though the panel recognized that the Commission itself "has not revoked, withdrawn or suspended the *Order*."⁹ The failure to afford deference creates a significant loophole for agencies to disclaim prior decisions without having to explain, much less justify, the basis of their action.¹⁰ This novel and important issue is utterly at odds with the principles set forth in *Chevron, U.S.A., Inc. v. NRDC*, 467 U.S. 837 (1984) ("*Chevron*"), and

⁸*Order* at 12768 [JA1291].

⁹Opinion, p.6.

¹⁰See *Fox Television Stations, Inc. v. FCC*, 556 U.S. 502, 514-516 (2012).

cannot be reconciled with the Supreme Court's decisions in *Bowen v. Georgetown Univ. Hosp.*, 488 U.S. 204 (1988) (“*Bowen*”) and *Perez v. Mortgage Bankers Ass'n*, 135 S.Ct 1199 (2015) (“*Perez*”).

Second, the opinion is in stark conflict with this Court's decisions in *Illinois Public Telecommunications Ass'n v. FCC*, 117 F.3d 555 (D.C. Cir. 1997) (“*Illinois*”), *MCI Telecomm. Corp. v. FCC*, 143 F.3d 606 (D.C. Cir. 1998) (“*MCI*”) and *Am. Pub. Commc'ns Council v. FCC*, 215 F.3d 51, 58 (D.C. Cir. 2000) (“*APCC*”).

ARGUMENT

I. THE PANEL'S DECISION IS INCOMPATIBLE WITH *CHEVRON*.

Courts review decisions, not letters from counsel. However, the panel refused to afford *Chevron* deference to a validly-adopted order, which the panel agreed “is still in force,”¹¹ because litigation counsel would not defend it. This unprecedented holding is at odds with well-established Supreme Court and Circuit precedent.

Citing no authority, the panel gave no deference to the FCC's decision, deferring instead to the position announced, but not explained, in the Letter. Although the Letter states that “the two Commissioners who dissented from the order under review...now comprise a majority of the Commission,” the

¹¹ Opinion, p.17.

Commission did not vote on whether to send the Letter or on its contents.¹² As such, the Letter is not agency action. There was no rulemaking and, as the panel itself says, the Commission “has not revoked, withdrawn or suspended the *Order*.”¹³ Nevertheless, the panel treated the Letter as if it were an agency action abandoning parts of the *Order* rather than a litigating position, and therefore conducted *de novo* review.

This was grievous error. Under *Chevron*, “the court does not simply impose its own construction on the statute, as would be necessary in the absence of an administrative interpretation.”¹⁴ Although this case involves an ambiguous statute administered by the FCC, the panel did precisely what *Chevron* disclaimed: it “impose[d] its own construction on the statute” rather than defer to the FCC’s detailed analysis of an ambiguous statute.

Rather than look to the agency order, the panel looked to the position of counsel as reflected in the Letter.¹⁵ But counsel represents the agency, not individual members of the Commission. As the Supreme Court¹⁶ and this Court¹⁷

¹²See 47 U.S.C. §154(j)(“Every vote and official act of the Commission shall be entered of record....”).

¹³Opinion, p.6.

¹⁴*Chevron*, 467 U.S. at 843 (footnote omitted).

¹⁵Opinion, p.18.

¹⁶See, e.g., *Burlington Truck Lines, Inc. v. U.S.*, 371 U.S. 156, 168 (1962).

¹⁷See, e.g., *Amerijet International, Inc. v. Pistole*, 753 F.3d 1343, 1351 (D.C. Cir. 2014)(“Under well-established law, we evaluate an agency’s contemporaneous explanation for its actions and not ‘appellate counsel’s post hoc rationalizations.’”)

have often said, courts do not review post-hoc rationalizations of counsel. Thus,

Bowen explained that

We have never applied the principle of [*Chevron* and subsequent] cases to agency litigating positions that are wholly unsupported by regulations, rulings, or administrative practice. To the contrary, we have declined to give deference to an agency counsel's interpretation of a statute where the agency itself has articulated no position on the question on the ground that "Congress has delegated to the administrative official and not to appellate counsel the responsibility for elaborating and enforcing statutory commands." *Investment Company Institute v. Camp*, 401 U.S. 617, 628 (1971).¹⁸

As the Supreme Court noted in *Chenery II*, it is a

simple but fundamental rule of administrative law...that a reviewing court, in dealing with a determination or judgment which an administrative agency alone is authorized to make, must judge the propriety of such action solely by the grounds invoked by the agency.¹⁹

Until an agency takes formal action to revoke it, an existing order represents the authoritative interpretation of the agency, to which *Chevron* deference is due.

In this case, the agency's Deputy General Counsel represented to the Court that a majority of current Commissioners no longer supported the *Order*. While an agency has broad authority to change its position, nothing in the APA suggests that a final order can be rescinded outside of the rulemaking process. This ensures that any modifications are based on reasoned decisionmaking and subject to judicial

¹⁸*Bowen*, 488 U.S. at 212-213 (additional citation omitted).

¹⁹*SEC v. Chenery Corp.*, 332 U.S. 194, 196 (1947)

review.²⁰ The present Commission's evident dissatisfaction with the *Order* may be reason to institute a rulemaking; it is not a basis to withhold *Chevron* deference from an operative agency order.

The panel opinion creates a dangerous loophole to evade judicial review when agencies are unable or unwilling to justify changed positions.²¹ The Dissent correctly quotes *Perez*, warning that

the majority risks enabling agencies to end-run the principle that they must “use the same procedures when they amend or repeal a rule as they used to issue the rule in the first instance.”²²

This is sure to be a recurring question, given the present Administration's repeated public statements expressing a desire to abandon hundreds of prior administrative rules and decisions²³

II. SECTION 276 AUTHORIZES THE FCC TO CAP BOTH INTERSTATE AND INTRASTATE RATES.

The central error of the panel's interpretation of §276 is its belief that *Illinois* held that §276 does not confer authority to “reduce already compensatory rates for

²⁰See *NCTA v. Brand X Internet Services*, 565 U.S. 967, 981(2004)(“Agency inconsistency is not a basis for declining to analyze the agency's interpretation under the *Chevron* framework.”).

²¹The panel is inconsistent in finding that the case not moot because the FCC did not rescind the *Order*, Opinion pp.15-17, but then failing to recognize that this fact required it to afford deference to the *Order*.

²²Dissent, p.12 (quoting *Perez*, 135 S.Ct. at 1206).

²³See, e.g., OMB, Current Unified Agenda of Regulatory and Deregulatory Actions, <https://www.reginfo.gov/public/do/eAgendaMain>.

interstate or intrastate calls.”²⁴ Properly interpreted, §276 gives the FCC ample power to do so.²⁵

Section 276 directs the FCC to “establish a per call compensation plan to ensure that all payphone service providers are fairly compensated.” As the Dissent correctly says at p.3, “the only dispute is whether the word ‘fairly’ implies an ability to reduce excesses, as well as bolster deficiencies.”

As discussed below, the FCC’s longstanding interpretations of §276, as affirmed by this Court, make clear that “compensation” that is too high is not “fair.” But even were that not so, the Dissent persuasively shows at pp.2-5 that the panel’s reading of the statute as precluding the FCC from reaching compensation that is too high, is not the only plausible construction:

Importantly, Congress chose “fairly” rather than, say, “adequately,” “sufficiently,” or “amply.” These words have different meanings. Had it used any of the latter three terms, I would agree that Congress only authorized regulation to prevent under-compensation, but its choice of the word “fairly” denotes no such limitation....If a grocer demanded \$20 for a banana, we might call that price adequate, sufficient or ample-but nobody would call it fair.²⁶

²⁴Opinion, pp. 24-25 (citing *Illinois*, 117 F.3d at 561-563).

²⁵The panel stated that the Commission “erroneously treats its authority under §201 and §276 as coterminous.” Opinion, p.21. Since the Commission has authority under §276 to find excessive compensation unfair, the Commission’s citation to more authority than it needed to reach this result, does not invalidate its action. As the Dissent points out, nothing in the record indicates that the Commission did not recognize the limits of its §201 authority. Dissent, pp.6-7.

²⁶Dissent, p.3.

In the statutory context, “fairly” connotes concerns with rates that are excessive, as Congress has juxtaposed “fair,” “just” and “reasonable” in other parts of the Communications Act.²⁷ This is particularly so given that the “fairly compensated” mandate appears, as part of Section 276’s goal of a competitive market delivering “widespread deployment of payphone services to the benefit of the general public.”²⁸ As the Dissent explains at p.5, the FCC had expressed particular concern with excessive compensation resulting from “locational monopolies.” The *Illinois* decision upheld that interpretation of §276, pointing to several interventions the FCC had said were available to make sure that locational monopolies did not result in excessive compensation.²⁹ As the Dissent pointed out, having “identified a discrete area” that is ““a prime example of market failure,”” addressed by both the Commission and the *Illinois* Court, nothing in that language limits the Commission’s authority to set intrastate rate caps,³⁰ particularly once it is recognized that unfair compensation includes compensation that is either too high or too low.

It is critically important here that the basis of the *Illinois* remand was that the rate was too high. Petitioning carriers complained that the compensation they paid

²⁷*Id.*, pp.3-4.

²⁸§276(b)(1)(A) Payphone services include ICS. §276(d).

²⁹*Illinois*, 117 F. 3d at 562-63 (citing *First Payphone Order*, 11 FCCRcd 20541, 20572 (1996)).

³⁰Dissent, p.5.

was too high. If §276 were limited to addressing whether that compensation was “compensatory,” that standard would have been met.³¹ Nonetheless, the Court remanded, finding that it was arbitrary to rely on a cost basis that may have set the “fair” compensation rate too high.³² If §276 did not give the Commission authority to reduce unfair rates because they *overcompensate* carriers, then the Court would not have had to remand.

The holding that excessive compensation is not “fair” was reaffirmed after remand. In *MCI*, this Court rejected the FCC’s use of a rate for coin calls as a proxy for deriving a rate for other calls, finding that the cost factors for the two types of calls were different. Importantly, the Court exclusively focused on whether the resulting rate was too high to be “fair compensation.” The Court did not vacate, but stressed that “the Commission may order payphone service providers to refund to their customers any excess charges.”³³

The panel faults the Commission for reading §276 too expansively to reduce ICS compensation, pouncing upon the Commission’s description of §276 as “requir[ing] it ‘to broadly craft regulations...’ and that this constituted a ‘general grant of jurisdiction.’”³⁴ Quoting *New England Public Communications Council*, the panel states that “[t]he statute merely commands the Commission . . . to

³¹Dissent, p.8.

³²*Illinois*, 117 F.3d at 564.

³³*MCI*, 143 F.3d at 609 (citing §276(b)(1) and 47 U.S.C. §154(i)).

³⁴Opinion, p.27 (quoting *Order* at 12814 [JA1337]).

prescribe regulations to accomplish ‘five specific steps toward’ §276(b)(1)(A)’s goal of “promot[ing] the widespread deployment of payphone services for the general benefit of the public.”³⁵ In context, however, the Commission’s assertion was not as broad as the panel says; the opinion conflates separate statements in two different sentences.³⁶ The first (“broadly craft regulations”) refers to the overall goal of the statute, and the second (“general grant of jurisdiction”) distinguishes the broader goals from the much more specific directive in §276(b)(1)(A). Of critical importance here is that regardless of how the Commission characterized §276 in general, it did not have to view it as a broad mandate because one of those five specific steps is to ensure that providers are “fairly compensated for each and every completed interstate and *intrastate* call.”³⁷

III. SECTION 276 PERMITS THE USE OF AVERAGE COSTS IN SETTING RATES.

The panel also erred in holding that the Commission’s decision to set rates based on industry-wide averages “does not fulfill the mandate of §276 that ‘each

³⁵Opinion, pp.26-27 (quoting *New England Public Communications Council, Inc. v .FCC*, 334 F. 3d, 69, 71 (D.C. Cir. 2003).

³⁶The passage reads as follows: “For example, section 276 requires the Commission to broadly craft regulations to ‘promote the widespread development of payphone services for the benefit of the general public’ including, notably, ‘the provision of *inmate telephone service in correctional institutions*, and any ancillary services.’ In addition to this general grant of jurisdiction, section 276 includes a mandate to ‘establish a per call compensation plan to ensure that *all* payphone service providers are fairly compensated for each and every completed *intrastate* and interstate call using their payphone.’” *Order* at 12814 [JA1337].

and every' inter- and intrastate call be fairly compensated.”³⁸ Nothing in the statute, however, suggests that a provider cannot be “fairly compensated” for each of its calls by reference to the average costs of providing them. Indeed, *APPC*, the authority cited to strike down rate averaging, upheld the Commission’s use of average call volume to set rates under §276.³⁹ As the Commission explained in denying Petitioners’ stay motions,

Such a strict reading of the statutory language would require an individual rate for every ICS call. It defies logic that Congress expected the Commission to formulate a unique rate for each call....Such an approach would be irrational and contrary to Commission precedent establishing that “[g]iven the goals of the 1996 Act, we will not construe section 276 inflexibly to require that each call makes an identical contribution [to the shared and common cost of the payphone].” As such, the “each and every” statutory language must be subject to a reasonable “per-call compensation plan.”⁴⁰

IV. THE PANEL IGNORED OR MISUNDERSTOOD YEARS OF CASE LAW ON SITE COMMISSIONS.

The Commission’s holding that the site commissions remitted to prisons are an allocation of profits and “do not constitute a legitimate cost to the providers of providing ICS”⁴¹ was consistent with several prior decisions issued over 15 years. Even so, the panel reversed, saying “site commissions obviously are costs of doing

³⁸Opinion, p.32.

³⁹*APPC*, 215 F.3d at 58 (citing *2002 Payphone Order*, 17 FCCRcd 3248, 3257 (2002)); *see also id.*, 17 FCCRcd at 3257-3258.

⁴⁰*Rates for Inmate Calling Services*, 32 FCCRcd 261, 272-273 (2017) (citations and footnotes omitted)[JA11520-1521].

⁴¹*Order* at 12819 (citing, *inter alia*, *2002 Payphone Order*, 17 FCCRcd 3248, 3263 (2002)JA1342].

business incurred by ICS providers.”⁴² Further, because the panel found the FCC’s decision “lacks any coherence,” it said it “owed no deference to [the FCC’s] purported expertise.”⁴³ The ruling misread this and prior Commission decisions.

The Commission has always recognized the distinction between disallowing site commissions that were “location rents” and permitting recovery of legitimate expenses incurred in providing services. On remand from *Illinois*, the Commission found site commissions to location owners to be “economic rent” extracted by location owners and not a cost of providing service.⁴⁴ After this Court’s *MCI* decision, relying on its *Second Payphone Order* in reiterating that “locational rents should be treated as a form of profit rather than a cost,” the Commission set a payphone rate that allowed cost recovery with a reasonable rate of return.⁴⁵ The Court affirmed the Commission in *APCC*. It found the rate determined by the Commission covered the costs of providing payphone service, accepting the use of a model using

a payphone that gathers enough revenue to meet its *costs* (including an assumption that the payphone does not pay commissions to the owner of the premises....) but that does not otherwise make a profit.⁴⁶

⁴²Opinion, p.28.

⁴³*Id.*, p.29 (citation omitted).

⁴⁴*Second Payphone Order*, 13 FCCRcd at 1778, 1798-1801 (1997).

⁴⁵*Third Report and Order*, 14 FCCRcd 2545, 2615-16 (1999) (citing *Second Report and Order*, 13 FCCRcd at 1799-1801); *id.*, at 2562 n.72 (“locational rents should be treated as a form of profit rather than a cost”).

⁴⁶*APCC*, 215 F.3d at 54 (emphasis added).

Although the payphone service provider intervenors disagreed with this holding, the Court accepted the Commission's definition without discussion.

Here, after requesting and receiving additional comment on actual costs incurred in allowing ICS,⁴⁷ the Commission adhered to long-established doctrine in excluding site commissions from costs.⁴⁸ On reconsideration, the Commission allowed certain security expenses to be considered costs.⁴⁹ The panel misconstrued this change as “effectively acknowledging that a categorical exclusion of site commissions from the ratemaking calculus is implausible.”⁵⁰ However, the Commission was *not* treating site commissions as costs *per se*. Rather, the added factor was *not* to allow site commissions, but (as explicitly stated in the excerpt cited by the panel) was “to account for facility related *ICS-related costs*...[and] expressly account for *reasonable facility costs related to ICS*.”⁵¹ What the panel castigated was actually the Commission adhering to its established distinction between payments to cover costs and payments that are profit sharing or location rents.

⁴⁷*Rates for Inmate Calling Services*, 29 FCCRcd 13170, 13180-13190 (2014)[JA902-913].

⁴⁸*Order* at 12818-12831)[JA1341-1354].

⁴⁹*Rates for Inmate Calling Services*, 31 FCCRcd 9300 (2016).

⁵⁰Opinion, p.30.

⁵¹*Id.* (quoting *Rates for Inmate Calling Services*, 31 FCCRcd at 9302)(emphasis added).

Instead of deferring to the Commission's 20 year history of excluding site commissions as a cost of service, and its explanations for doing so, the panel ruled that excluding site commissions, which "the Commission acknowledges to be legitimate"⁵² costs, meant that the Commission "set the rate caps below costs."⁵³ But as the dissent points out at p.10, the Commission never acknowledged the legitimacy of these "costs," and has always viewed them as locational rent.

As with rate caps, the panel compounded its *Chevron* error by ignoring that this Court had previously affirmed the Commission's authority under §276 to exclude site commissions not related to the cost of service. The panel's reasoning, that ICS providers are required by the facilities to pay commissions as a condition of providing service,⁵⁴ was equally true when the Commission, with this Court's approval in *APCC*, rejected the same argument in setting per call compensation.⁵⁵ The error is further compounded by the panel's failure to defer to the above-discussed Commission rulings, affirmed by this Court, finding authority to address locational monopoly issues under §276.

Site commissions raise the precise concerns addressed by the Commission and by this Court ever since 1996, with precisely the effect the Commission predicted: these commissions are "location rents" being captured by premises

⁵²Opinion, p.29.

⁵³*Id.*

⁵⁴*Id.*

⁵⁵*See* n.45, *supra*.

owners and unreasonably running up costs for the benefit of the location owners. The panel's ruling would "effectively negate the Commission's ability to mitigate locational monopolies,"⁵⁶ in contravention of this Court's affirmances that the Commission had such authority.

CONCLUSION

Wherefore, Intervenors ask that this Court vacate the panel opinion, grant rehearing, affirm the decision below and grant all such other relief as may be just and proper.

Respectfully submitted,

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⁵⁶Dissent, p.10.

CERTIFICATE OF COMPLIANCE

The undersigned counsel certifies that this petition complies with the typeface requirements of Fed. R. App. P. 32 because this petition has been prepared in a proportionally spaced typeface using Microsoft Word 2013 in Times New Roman, 12-point. This petition complies with the type-volume limitation of Fed. R. App. P. 35(b)(2)(A) because it contains 3833 words.

/s/ Andrew Jay Schwartzman
Andrew Jay Schwartzman

CERTIFICATE OF SERVICE

I hereby certify that, on July 28, 2017, a true and correct copy of the foregoing Petition for Rehearing En Banc of Intervenors, the Wright Petitioners, was served via the Court's CM/ECF system on counsel of record for all parties.

/s/ Angela Campbell

Angela Campbell

EXHIBIT B

**SECURUS VIDEO VISITATION RATES
REMOTE FAMILY AND FRIENDS
AVERAGE = \$.35 PER MINUTE**

Facility	Remote Friends and Family	Minutes	Per Minute Rate
Elmore County Jail, AL	\$7.99	20	\$0.40
Apache County Sheriff's Office, AZ	\$5.95	20	\$0.30
Cochise County Jail, AZ	\$10.00	20	\$0.50
	\$20.00	40	\$0.50
Maricopa County, AZ	\$7.99	20	\$0.40
AR DOC - Video Visitation-General, AR	\$5.00	30	\$0.17
AR DOC - Video Visitation Super Max, AR	\$5.00	30	\$0.17
Butte County Jail, CA	\$8.99	20	\$0.45
	\$13.99	40	\$0.35
Calaveras County Sheriff Office	\$6.99	20	\$0.35
	\$11.98	40	\$0.30
Napa County, CA	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
	\$15.00	60	\$0.25
San Diego County – Las Colinas Detention & Reentry Facility, CA Facility 8, CA	\$5.00	30	\$0.17
Chaffee County Jail, CO	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Jefferson County, CO	\$9.99	30	\$0.33
La Plata, CO	\$5.95	25	\$0.24
Moffat County, CO	\$8.99	20	\$0.45
Montezuma County Jail, CO	\$5.95	20	\$0.30
Montrose County Jail, CO	\$5.95	20	\$0.30
Pueblo County Detention Center, CO	\$10.95	45	\$0.24
Routt County Jail, CO	\$12.99	20	\$0.65

SECURUS VIDEO VISITATION RATES
REMOTE FAMILY AND FRIENDS
AVERAGE = \$.35 PER MINUTE
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Facility	Remote Friends and Family	Minutes	Per Minute Rate
Summit County Jail, CO	\$10.95	20	\$0.55
	\$20.00	40	\$0.50
Bradford County Jail, FL	\$7.99	20	\$0.40
	\$14.99	40	\$0.37
Collier County Jail - Naples, FL	\$5.95	20	\$0.30
Columbia County Detention Facility, FL	\$5.00	30	\$0.17
Hardee County Jail, FL	\$7.99	30	\$0.27
Marion County Jail, FL	\$5.95	15	\$0.40
	\$10.00	30	\$0.33
Okaloosa County Department Of Correctional Services, FL	\$5.95	20	\$0.30
Barrow County Sherriff's Office, GA	\$5.95	15	\$0.40
Bibb County Jail, GA	\$8.99	30	\$0.30
Catoosa County Jail, GA	\$5.00	20	\$0.25
DeKalb County Sheriff's Office, GA	\$5.00	30	\$0.17
Fayette County Jail, GA	\$6.99	20	\$0.35
	\$13.98	40	\$0.35
Fulton County Jail, GA	\$5.00	30	\$0.17
Gwinnett County Jail, GA	\$5.95	30	\$0.20
Hall County Jail, GA	\$5.95	30	\$0.20
Tattnall County Sheriff Office, GA	\$5.95	10	\$0.60
	\$10.00	20	\$0.50
Tift County Law Enforcement Center, GA	\$5.95	20	\$0.30
Troup County Sheriff's Office, GA	\$8.99	20	\$0.45
	\$13.99	40	\$0.35
Walker County Sheriff's Department, GA	\$5.95	20	\$0.30

SECURUS VIDEO VISITATION RATES
REMOTE FAMILY AND FRIENDS
AVERAGE = \$.35 PER MINUTE
PAGE 3

Facility	Remote Friends and Family	Minutes	Per Minute Rate
Adams County, IL	\$5.95	20	\$0.30
	\$10.95	40	\$0.27
Boone County Jail, IL	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Crawford County Jail, IL	\$12.99	20	\$0.65
	\$25.98	40	\$0.65
Henry County, IL	\$5.95	20	\$0.30
	\$40.00	40	\$1.00
Jackson County Sheriff's Office, IL	\$8.95	30	\$0.30
Kankakee County Jail, IL	\$5.99	20	\$0.30
Kankakee County Jerome Combs Detention Center, IL	\$5.99	20	\$0.30
Kendall County Jail, IL	\$5.95	20	\$0.30
	\$9.95	40	\$0.25
Knox County Jail, IL	\$12.95	20	\$0.65
Lake County Adult Correctional Facility, IL	\$5.95	30	\$0.20
Logan County Jail, IL	\$7.95	20	\$0.40
Mercer County Sheriff's Office, IL	\$5.00	20	\$0.25
	\$10.00	40	\$0.25
Perry County Jail, IL	\$7.99	20	\$0.40
St. Clair County Sheriff's Department, IL	\$8.99	30	\$0.30
Tazewell County Justice Center, IL	\$6.95	20	\$0.35
Vermilion County Jail, IL	\$5.95	20	\$0.30
Whiteside County Jail, IL	\$8.99	20	\$0.45
	\$13.99	40	\$0.35
Woodford County Jail, IL	\$5.95	20	\$0.30
Daviess County Jail, IN	\$5.95	20	\$0.30

SECURUS VIDEO VISITATION RATES
REMOTE FAMILY AND FRIENDS
AVERAGE = \$.35 PER MINUTE
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Facility	Remote Friends and Family	Minutes	Per Minute Rate
Elkhart County Correctional Complex, IN	\$6.95	20	\$0.35
	\$12.95	40	\$0.32
Floyd County Jail, IN	\$10.95	20	\$0.55
	\$15.00	40	\$0.38
Gibson County Jail, IN	\$5.95	20	\$0.30
	\$10.95	40	\$0.27
Jefferson County Jail, IN	\$5.95	20	\$0.30
	\$40.00	40	\$1.00
Johnson County Sheriff's Dept, IN	\$12.99	20	\$0.65
Kosciusko County Jail, IN	\$6.95	30	\$0.23
La Porte County Jail, IN	\$5.99	20	\$0.30
	\$9.99	40	\$0.25
Montgomery County Sheriff's Office, IN	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Pulaski County Jail, IN	\$10.00	20	\$0.50
	\$20.00	40	\$0.50
Vigo County Sheriff's Office, IN	\$10.95	20	\$0.55
	\$20.00	40	\$0.50
Pottawattamie County Jail, IA	\$5.95	30	\$0.20
Wapello County Jail, IA	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Woodbury County Jail, IA	\$5.95	20	\$0.30
Butler County Jail, KS	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Ford County, KS	\$5.95	20	\$0.30
	\$10.00	40	\$0.25

SECURUS VIDEO VISITATION RATES
REMOTE FAMILY AND FRIENDS
AVERAGE = \$.35 PER MINUTE
PAGE 5

Facility	Remote Friends and Family	Minutes	Per Minute Rate
Saline County Jail, KS	\$9.99	30	\$0.33
Sedgwick County Detention Facility, KS	\$8.99	30	\$0.30
Shawnee County Adult Detention Center, KS	\$10.95	30	\$0.37
Barren County Detention Center, KY	\$5.95	20	\$0.30
Boyd County Detention Center, KY	\$6.95	20	\$0.35
Crittenden County Detention Center, KY	\$8.99	20	\$0.45
	\$12.99	40	\$0.32
Hardin County Jail, KY	\$12.99	20	\$0.65
Pulaski County Detention Center, KY	\$8.99	30	\$0.30
Woodford County Detention Center, KY	\$5.00	20	\$0.25
	\$10.00	40	\$0.25
East Carroll Parish Female, LA	\$5.00	30	\$0.17
Terrebonne Parish Women's Facility, LA	\$6.99	20	\$0.35
	\$12.99	40	\$0.32
Hancock County Jail, ME	\$5.00	20	\$0.25
	\$10.00	40	\$0.25
	\$5.95	20	\$0.30
Somerset County Jail, ME	\$10.00	40	\$0.25
Essex County Middleton Jail, MA	\$5.00	30	\$0.17
Branch County Jail, MI	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Genesee County Jail, MI	\$10.99	20	\$0.55
	\$17.99	40	\$0.45
Ingham County Correctional Facility, MI	\$5.00	25	\$0.20
Isabella County Jail, MI	\$5.95	20	\$0.30
	\$10.00	40	\$0.25

SECURUS VIDEO VISITATION RATES
REMOTE FAMILY AND FRIENDS
AVERAGE = \$.35 PER MINUTE
PAGE 6

Facility	Remote Friends and Family	Minutes	Per Minute Rate
Midland County, MI	\$5.95	25	\$0.24
	\$10.00	50	\$0.20
Montcalm Sheriff's Department, MI	\$12.99	20	\$0.65
Newaygo County Jail, MI	\$14.99	40	\$0.37
Saginaw County Sheriff's Department, MI	\$11.99	20	\$0.60
	\$17.99	40	\$0.45
Sanilac County Jail, MI	\$6.99	25	\$0.28
	\$11.98	50	\$0.24
Van Buren County Sheriff's Office, MI	\$5.95	20	\$0.30
Carver County Jail, MN	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Goodhue Sheriff's Department, MN	\$5.95	20	\$0.30
Ramsey County Adult Detention Center, MN	\$8.99	20	\$0.45
Desoto County Sheriff's Department, MS	\$5.95	20	\$0.30
Hinds County Detention Services, MS	\$12.99	20	\$0.65
	\$25.98	40	\$0.65
Jackson County Adult Detention Center, MS	\$10.00	20	\$0.50
Jackson Detention Center, MS	\$12.99	20	\$0.65
	\$25.98	40	\$0.65
Cape Girardeau County Jail, MO	\$6.95	15	\$0.46
Jefferson County Jail, MO	\$15.95	25	\$0.64
Hall County Jail, NE	\$5.95	20	\$0.30
Saunders County, NE	\$5.95	35	\$0.17
Lincoln County Jail, NV	\$5.95	20	\$0.30
Cheshire County DOC, NH	\$5.95	20	\$0.30

SECURUS VIDEO VISITATION RATES
REMOTE FAMILY AND FRIENDS
AVERAGE = \$.35 PER MINUTE
PAGE 7

Facility	Remote Friends and Family	Minutes	Per Minute Rate
Coös County Department of Corrections, NH	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Rockingham County DOC, NH	\$9.95	20	\$0.50
	\$25.98	40	\$0.65
Cape May County Correctional Facility, NJ	\$10.95	20	\$0.55
Chaves County Adult Detention Center, NM	\$5.95	20	\$0.30
San Juan County Adult Detention Center, NM	\$6.99	15	\$0.47
Essex County Jail, NY	\$5.95	30	\$0.20
	\$10.00	30	\$0.33
Livingston County Jail, NY	\$40.00	60	\$0.67
	\$5.95	30	\$0.20
Ontario County Jail, NY	\$10.00	60	\$0.17
	\$5.95	30	\$0.20
Westchester County Dept of Corrections, NY	\$10.00	60	\$0.17
	\$7.95	20	\$0.40
Brunswick County Jail, NC	\$14.95	40	\$0.37
	\$8.99	20	\$0.45
Hoke County Detention Center, NC	\$13.99	40	\$0.35
	\$5.95	20	\$0.30
Lincoln County Detention Center, NC	\$5.95	20	\$0.30
James River Correctional, ND	\$6.95	20	\$0.35
Missouri River Correctional, ND	\$6.95	20	\$0.35
North Dakota State Penitentiary, ND	\$6.95	20	\$0.35
Corrections Commission of Northwest Ohio, OH	\$5.95	25	\$0.24
Cuyahoga County Corrections Center, OH	\$12.99	20	\$0.65
Darke County Jail, OH	\$5.95	20	\$0.30

SECURUS VIDEO VISITATION RATES
REMOTE FAMILY AND FRIENDS
AVERAGE = \$.35 PER MINUTE
PAGE 8

Facility	Remote Friends and Family	Minutes	Per Minute Rate
Licking County Justice Center, OH	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Southeast Ohio Regional Jail, OH	\$7.99	30	\$0.27
Cherokee County Detention Center, OK	\$6.95	20	\$0.35
Pittsburg County Jail, OK	\$5.00	20	\$0.25
	\$10.00	40	\$0.25
Clatsop County Sheriff's Office, OR	\$5.95	20	\$0.30
Multnomah County Sheriff's Office, OR	\$5.00	30	\$0.17
Butler County Prison, PA	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Monroe County Correctional Facility, PA	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Aiken County Detention Center, SC	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Chesterfield County Detention Center, SC	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Darlington County, SC	\$9.00	20	\$0.45
	\$13.99	40	\$0.35
Lexington County Jail, SC	\$5.00	25	\$0.20
	\$10.00	35	\$0.29
Oconee County Detention Center, SC	\$12.95	30	\$0.43
Pennington County Jail, SD	\$7.95	20	\$0.40
	\$14.00	40	\$0.35
Western South Dakota Juvenile Service Center, SD	\$7.00	20	\$0.35
	\$14.00	40	\$0.35
Bradley County Justice Complex, TN	\$9.99	30	\$0.33

SECURUS VIDEO VISITATION RATES
REMOTE FAMILY AND FRIENDS
AVERAGE = \$.35 PER MINUTE
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Facility	Remote Friends and Family	Minutes	Per Minute Rate
Carroll County Jail, TN	\$5.95	20	\$0.30
Decatur County Sheriff Dep, TN	\$12.99	20	\$0.65
	\$25.98	40	\$0.65
DeKalb County Jail, TN	\$5.95	20	\$0.30
	\$10.95	40	\$0.27
Greene County Detention Center, TN	\$6.95	20	\$0.35
	\$10.00	40	\$0.25
Hamilton County Jail, TN	\$6.99	30	\$0.23
Jefferson County, TN	\$12.99	20	\$0.65
	\$24.99	40	\$0.62
Marion County Jail, TN	\$8.99	20	\$0.45
	\$12.99	40	\$0.32
Scott County Jail Bldg 2, TN	\$12.99	20	\$0.65
	\$25.98	40	\$0.65
Sullivan Correctional Facility, TN	\$5.95	20	\$0.30
Sumner County Sheriff's Office and Jail, TN	\$6.99	20	\$0.35
	\$12.99	40	\$0.32
Bastrop County Jail, TX	\$7.99	20	\$0.40
Dallas County George Allen Jail, TX	\$5.95	20	\$0.30
Dallas County Lew Sterrett North Tower, TX	\$5.95	20	\$0.30
Dallas County Lew Sterrett West Tower, TX	\$5.95	20	\$0.30
Dallas County Suzanne Kays Detention Center, TX	\$5.95	20	\$0.30
Denton County Sheriff's Office, TX	\$5.95	30	\$0.20
Hays County Law Enforcement Center, TX	\$8.99	25	\$0.36
Hopkins County Jail, TX	\$12.99	20	\$0.65
	\$25.98	40	\$0.65

SECURUS VIDEO VISITATION RATES
REMOTE FAMILY AND FRIENDS
AVERAGE = \$.35 PER MINUTE
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Facility	Remote Friends and Family	Minutes	Per Minute Rate
Midland County Central Detention Center, TX	\$5.95	20	\$0.30
Travis County Correctional Complex, TX	\$5.00	25	\$0.20
Wilson County Jail, TX	\$5.95	20	\$0.30
Beaver County Sherriff's Office, UT	\$7.99	20	\$0.40
Cache County Jail, UT	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Davis County Jail, UT	\$7.99	40	\$0.20
Iron County Jail, UT	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
San Juan County Jail, UT	\$5.95	30	\$0.20
Sevier County Jail, UT	\$6.95	20	\$0.35
Utah County Jail, UT	\$5.00	25	\$0.20
Hampton Roads Regional Jail, VA	\$5.00	20	\$0.25
Newport News City Jail, VA	\$7.95	20	\$0.40
Northern Neck Regional Jail, VA	\$5.95	20	\$0.30
Roanoke City Jail, VA	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Cowlitz County Jail, WA	\$8.99	20	\$0.45
King County Department of Adult and Juvenile Detention	\$5.00	25	\$0.20
Kittitas County Sheriff's Office, WA	\$8.95	30	\$0.30
Barron County Sheriff's Department, WI	\$5.95	30	\$0.20
Chippewa County Sheriff Department, WI	\$8.99	20	\$0.45
	\$13.99	40	\$0.35
Forest County Sheriff's Department, WI	\$5.95	20	\$0.30
	\$40.00	40	\$1.00

SECURUS VIDEO VISITATION RATES
REMOTE FAMILY AND FRIENDS
AVERAGE = \$.35 PER MINUTE
PAGE 11

Facility	Remote Friends and Family	Minutes	Per Minute Rate
Marathon County Sheriff's Office, WI	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Portage County Jail, WI	\$5.00	20	\$0.25
	\$10.00	40	\$0.25
Racine County Jail, WI	\$7.99	20	\$0.40
Vilas County Sheriff's Dept. Jail, WI	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Uinta County Detention Center, WY	\$5.99	20	\$0.30
	\$10.99	40	\$0.27
Average Charge Per Minute			\$0.35

Source: <https://securustech.net/facilities-and-pricing> (Visited July 28, July 29, 2017).

EXHIBIT C

**SECURUS VIDEO VISITATION
REMOTE ATTORNEY RATES
AVERAGE = \$.38 PER MINUTE**

Facility	Remote Attorney	Minutes	Per Minute Rate
AR DOC - Video Visitation-General, AR	\$5.00	30	\$0.17
AR DOC - Video Visitation Super Max, AR	\$5.00	30	\$0.17
Butte County Jail, CA	\$8.99	20	\$0.45
	\$13.99	40	\$0.35
Calaveras County Sheriff Office	\$6.99	20	\$0.35
	\$11.98	40	\$0.30
Napa County, CA	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
	\$15.00	60	\$0.25
San Deigo County - Facility 8, CA	\$5.00	30	\$0.17
San Diego County - Las Colinas Detention & Reentry Facility, CA	\$5.00	30	\$0.17
Chaffee County Jail, CO	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Jefferson County, CO	\$9.99	30	\$0.33
La Plata, CO	\$5.95	25	\$0.24
Moffat County, CO	\$8.99	20	\$0.45
Montezuma County Jail, CO	\$5.95	20	\$0.30
Montrose County Jail, CO	\$5.95	20	\$0.30
Pueblo County Detention Center, CO	\$10.95	45	\$0.24
Routt County Jail, CO	\$12.99	20	\$0.65
Summit County Jail, CO	\$10.95	20	\$0.55
	\$20.00	40	\$0.50
Baker County, Florida	\$7.99	20	\$0.40
	\$12.99	40	\$0.32
Bradford County Jail, FL	\$7.99	20	\$0.40
	\$14.99	40	\$0.37
Collier County Jail - Naples, FL	\$5.95	20	\$0.30

**SECURUS VIDEO VISITATION
REMOTE ATTORNEY RATES
AVERAGE = \$.38 PER MINUTE
PAGE 2**

Facility	Remote Attorney	Minutes	Per Minute Rate
Columbia County Detention Facility, FL	\$5.00	30	\$0.17
Marion County Jail, FL	\$5.95	15	\$0.40
	\$10.00	30	\$0.33
Okaloosa County Department Of Correctional Services, FL	\$5.95	20	\$0.30
Bibb County Jail, GA	\$8.99	30	\$0.30
Catoosa County Jail, GA	\$5.00	20	\$0.25
DeKalb County Sheriff's Office, GA	\$5.00	30	\$0.17
Fayette County Jail, GA	\$6.99	20	\$0.35
	\$13.98	40	\$0.35
Fulton County Jail, GA	\$5.00	30	\$0.17
Tift County Law Enforcement Center, GA	\$5.95	20	\$0.30
Troup County Sheriff's Office, GA	\$8.99	20	\$0.45
	\$13.99	40	\$0.35
Walker County Sheriff's Department, GA	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Adams County, IL	\$5.95	20	\$0.30
	\$10.95	40	\$0.27
Boone County Jail, IL	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Crawford County Jail, IL	\$12.99	20	\$0.65
	\$25.98	40	\$0.65
Henry County, IL	\$20.00	20	\$1.00
	\$40.00	40	\$1.00
Jackson County Sheriff's Office, IL	\$15.95	30	\$0.53
Kankakee County Jail, IL	\$5.99	20	\$0.30
Kendall County Jail, IL	\$5.95	20	\$0.30
	\$9.95	20	\$0.50

**SECURUS VIDEO VISITATION
REMOTE ATTORNEY RATES
AVERAGE = \$.38 PER MINUTE
PAGE 3**

Facility	Remote Attorney	Minutes	Per Minute Rate
Knox County Jail, IL	\$12.95	20	\$0.65
Lake County Adult Correctional Facility, IL	\$5.95	20	\$0.30
Logan County Jail, IL	\$12.95	20	\$0.65
Mercer County Sheriff's Office, IL	\$12.99	20	\$0.65
	\$25.98	40	\$0.65
Perry County Jail, IL	\$13.95	20	\$0.70
St. Clair County Sheriff's Department, IL	\$8.99	30	\$0.30
Tazewell County Justice Center, IL	\$20.00	20	\$1.00
Vermilion County Jail, IL	\$5.95	20	\$0.30
Whiteside County Jail, IL	\$8.99	20	\$0.45
	\$13.99	40	\$0.35
Woodford County Jail, IL	\$12.99	20	\$0.65
Daviess County Jail, IN	\$5.95	20	\$0.30
Elkhart County Correctional Complex, IN	\$6.95	20	\$0.35
	\$12.95	40	\$0.32
Floyd County Jail, IN	\$10.95	20	\$0.55
	\$15.00	40	\$0.38
Gibson County Jail, IN	\$5.95	20	\$0.30
	\$10.95	40	\$0.27
Jefferson County Jail, IN	\$20.00	20	\$1.00
	\$40.00	40	\$1.00
Johnson County Sheriff's Dept., IN	\$12.99	20	\$0.65
Kosciusko County Jail, IN	\$6.95	30	\$0.23
La Porte County Jail, IN	\$5.99	20	\$0.30
	\$9.99	40	\$0.25
Montgomery County Sheriff's Office, IN	\$5.95	20	\$0.30
	\$10.00	40	\$0.25

**SECURUS VIDEO VISITATION
REMOTE ATTORNEY RATES
AVERAGE = \$.38 PER MINUTE
PAGE 4**

Facility	Remote Attorney	Minutes	Per Minute Rate
Pulaski County Jail, IN	\$10.00	20	\$0.50
	\$20.00	40	\$0.50
Vigo County Sheriff's Office, IN	\$10.95	20	\$0.55
Pottawattamie County Jail, IA	\$5.95	30	\$0.20
Wapello County Jail, IA	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Woodbury County Jail, IA	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Butler County Jail, KS	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Ford County, KS	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Saline County Jail, KS	\$9.99	30	\$0.33
Sedgwick County Detention Facility, KS	\$8.99	30	\$0.30
Shawnee County Adult Detention Center, KS	\$10.95	30	\$0.37
Barren County Detention Center, KY	\$5.95	20	\$0.30
Boyd County Detention Center, KY	\$6.95	20	\$0.35
Crittenden County Detention Center, KY	\$8.99	20	\$0.45
	\$12.99	40	\$0.32
Hardin County Jail, KY	\$12.99	20	\$0.65
Pulaski County Detention Center, KY	\$8.99	30	\$0.30
Woodford County Detention Center, KY	\$5.00	20	\$0.25
	\$10.00	40	\$0.25
East Carroll Parish Female, LA	\$5.00	30	\$0.17
Terrebonne Parish Women's Facility, LA	\$6.99	20	\$0.35
	\$12.99	40	\$0.32

**SECURUS VIDEO VISITATION
REMOTE ATTORNEY RATES
AVERAGE = \$.38 PER MINUTE
PAGE 5**

Facility	Remote Attorney	Minutes	Per Minute Rate
Hancock County Jail, ME	\$5.00	20	\$0.25
	\$10.00	40	\$0.25
	\$5.95	20	\$0.30
Somerset County Jail, ME	\$10.00	40	\$0.25
Essex County Middleton Jail, MA	\$5.00	30	\$0.17
Branch County Jail, MI	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Genesee County Jail, MI	\$10.99	20	\$0.55
	\$17.99	40	\$0.45
Ingham County Correctional Facility, MI	\$5.00	25	\$0.20
Isabella County Jail, MI	\$5.95	20	\$0.30
	\$20.00	40	\$0.50
Midland County, MI	\$5.95	25	\$0.24
	\$10.00	50	\$0.20
Montcalm Sheriff's Department, MI	\$12.99	20	\$0.65
Newaygo County Jail, MI	\$14.99	40	\$0.37
Saginaw County Sheriff's Department, MI	\$11.99	20	\$0.60
	\$17.99	40	\$0.45
Sanilac County Jail, MI	\$6.99	20	\$0.35
	\$11.98	40	\$0.30
Van Buren County Sheriff's Office, MI	\$5.95	20	\$0.30
Carver County Jail, MN	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Goodhue Sheriff's Department, MN	\$5.95	20	\$0.30
Ramsey County Adult Detention Center, MN	\$8.99	20	\$0.45
Desoto County Sheriff's Department, MS	\$5.95	20	\$0.30

**SECURUS VIDEO VISITATION
REMOTE ATTORNEY RATES
AVERAGE = \$.38 PER MINUTE
PAGE 6**

Facility	Remote Attorney	Minutes	Per Minute Rate
Hinds County Detention Services, MS	\$12.99	20	\$0.65
	\$25.98	40	\$0.65
Jackson County Adult Detention Center, MS	\$10.00	20	\$0.50
Jackson Detention Center, MS	\$12.99	20	\$0.65
	\$25.98	40	\$0.65
Cape Girardeau County Jail, MO	\$6.95	15	\$0.46
Jefferson County Jail, MO	\$15.95	25	\$0.64
Hall County Jail, NE	\$5.95	20	\$0.30
Saunders County, NE	\$5.95	35	\$0.17
Lincoln County Jail, NV	\$5.95	20	\$0.30
Cheshire County DOC, NH	\$5.95	20	\$0.30
	\$5.95	20	\$0.30
Coös County Department of Corrections, NH	\$10.00	40	\$0.25
Rockingham County DOC, NH	\$9.95	20	\$0.50
Cape May County Correctional Facility, NJ	\$10.95	20	\$0.55
Chaves County Adult Detention Center, NM	\$10.95	20	\$0.55
San Juan County Adult Detention Center, NM	\$6.99	15	\$0.47
Essex County Jail, NY	\$5.00	15	\$0.33
	\$5.95	30	\$0.20
	\$45.00	45	\$1.00
	\$60.00	60	\$1.00
Livingston County Jail, NY	\$20.00	30	\$0.67
	\$45.00	45	\$1.00
	\$60.00	60	\$1.00

**SECURUS VIDEO VISITATION
REMOTE ATTORNEY RATES
AVERAGE = \$.38 PER MINUTE
PAGE 7**

Facility	Remote Attorney	Minutes	Per Minute Rate
Ontario County Jail, NY	\$5.00	15	\$0.33
	\$5.95	30	\$0.20
	\$10.00	45	\$0.22
	\$10.00	60	\$0.17
Westchester County Dept of Corrections, NY	\$5.00	15	\$0.33
	\$10.00	30	\$0.33
	\$15.00	45	\$0.33
	\$20.00	60	\$0.33
Brunswick County Jail, NC	\$7.95	20	\$0.40
	\$14.95	40	\$0.37
Hoke County Detention Center, NC	\$8.99	20	\$0.45
	\$13.99	40	\$0.35
Lincoln County Detention Center, NC	\$5.95	20	\$0.30
James River Correctional, ND	\$6.95	20	\$0.35
Missouri River Correctional, ND	\$6.95	20	\$0.35
North Dakota State Penitentiary, ND	\$6.95	20	\$0.35
Corrections Commission of Northwest Ohio, OH	\$5.95	25	\$0.24
Cuyahoga County Corrections Center, OH	\$12.99	20	\$0.65
Darke County Jail, OH	\$5.95	20	\$0.30
Licking County Justice Center, OH	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Southeast Ohio Regional Jail, OH	\$7.99	30	\$0.27
Cherokee County Detention Center, OK	\$6.95	20	\$0.35
Pittsburg County Jail, OK	\$5.00	20	\$0.25
	\$10.00	40	\$0.25
Clatsop County Sheriff's Office, OR	\$5.95	20	\$0.30
Multnomah County Sheriff's Office, OR	\$5.00	20	\$0.25

**SECURUS VIDEO VISITATION
REMOTE ATTORNEY RATES
AVERAGE = \$.38 PER MINUTE
PAGE 8**

Facility	Remote Attorney	Minutes	Per Minute Rate
Butler County Prison, PA	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Monroe County Correctional Facility, PA	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Aiken County Detention Center, SC	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Chesterfield County Detention Center, SC	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Darlington County, SC	\$8.99	20	\$0.45
	\$13.99	40	\$0.35
Lexington County Jail, SC	\$5.00	25	\$0.20
	\$10.00	35	\$0.29
Oconee County Detention Center, SC	\$12.95	30	\$0.43
Pennington County Jail, SD	\$7.95	20	\$0.40
	\$14.00	40	\$0.35
Bradley County Justice Complex, TN	\$9.99	30	\$0.33
Carroll County Jail, TN	\$5.95	20	\$0.30
Decatur County Sheriff Dep, TN	\$12.99	20	\$0.65
	\$25.98	40	\$0.65
DeKalb County Jail, TN	\$5.95	20	\$0.30
	\$10.95	40	\$0.27
Greene County Detention Center, TN	\$6.95	20	\$0.35
	\$10.00	40	\$0.25
Hamilton County Jail, TN	\$6.99	30	\$0.23
Jefferson County, TN	\$12.99	20	\$0.65
	\$24.99	60	\$0.42

**SECURUS VIDEO VISITATION
REMOTE ATTORNEY RATES
AVERAGE = \$.38 PER MINUTE
PAGE 9**

Facility	Remote Attorney	Minutes	Per Minute Rate
Marion County Jail, TN	\$8.99	20	\$0.45
	\$12.99	40	\$0.32
Scott County Jail Bldg 2, TN	\$12.99	20	\$0.65
	\$25.98	40	\$0.65
Sullivan Correctional Facility, TN	\$5.95	20	\$0.30
Sumner County Sheriff's Office and Jail, TN	\$6.99	20	\$0.35
	\$12.99	40	\$0.32
Bastrop County Jail, TX	\$7.99	20	\$0.40
Dallas County George Allen Jail, TX	\$5.95	20	\$0.30
Dallas County Lew Sterrett North Tower, TX	\$5.95	20	\$0.30
Dallas County Lew Sterrett West Tower, TX	\$5.95	20	\$0.30
Dallas County Suzanne Kays Detention Center, TX	\$5.95	20	\$0.30
Denton County Sheriff's Office, TX	\$5.95	30	\$0.20
Hays County Law Enforcement Center, TX	\$8.99	25	\$0.36
Hopkins County Jail, TX	\$12.99	20	\$0.65
	\$25.98	40	\$0.65
Midland County Central Detention Center, TX	\$5.95	20	\$0.30
Wilson County Jail, TX	\$5.95	20	\$0.30
Beaver County Sherriff's Office, UT	\$7.99	20	\$0.40
Cache County Jail, UT	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Davis County Jail, UT	\$7.99	30	\$0.27
Iron County Jail, UT	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
San Juan County Jail, UT	\$5.95	30	\$0.20
Sevier County Jail, UT	\$6.95	20	\$0.35
Hampton Roads Regional Jail, VA	\$5.00	20	\$0.25

**SECURUS VIDEO VISITATION
REMOTE ATTORNEY RATES
AVERAGE = \$.38 PER MINUTE
PAGE 10**

Facility	Remote Attorney	Minutes	Per Minute Rate
Newport News Attorney, VA	\$7.95	20	\$0.40
Roanoke City Jail, VA	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Cowlitz County Jail, WA	\$8.99	20	\$0.45
	\$25.98	40	\$0.65
King County Department of Adult and Juvenile Detention	\$5.00	25	\$0.20
Kittitas County Sheriff's Office, WA	\$8.95	30	\$0.30
Barron County Sheriff's Department, WI	5.95	30	\$0.20
Chippewa County Sheriff Department, WI	\$8.99	20	\$0.45
	\$13.99	40	\$0.35
Forest County Sheriff's Department, WI	\$5.95	20	\$0.30
	\$40.00	40	\$1.00
Marathon County Sheriff's Office, WI	\$5.95	20	\$0.30
	\$10.00	40	\$0.25
Portage County Jail, WI	\$12.99	20	\$0.65
Racine County Jail, WI	\$7.99	20	\$0.40
Vilas County Sheriff's Dept. Jail, WI	\$12.99	20	\$0.65
	\$25.98	40	\$0.65
Uinta County Detention Center, WY	\$5.99	20	\$0.30
	\$10.99	40	\$0.27
AVERAGE RATE PER MINUTE			\$0.38

Source: <https://securustech.net/facilities-and-pricing> (Visited July 28/July 29, 2017).

EXHIBIT D

securustechnologies.com

Securus Releases Data on Calling Rates - Dramatic Reduction in Rates and Fees - Press Releases

9-11 minutes

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Press Release Jul 21, 2017

Securus Releases Data on Calling Rates - Dramatic Reduction in Rates and Fees

Average Booking to Release Communications Price at \$24.37 for Inmates/Friends and Family

Reduction in Price Per Minute of 27% in Last 5 Years; Interstate Rates 72% in Last 7 Years

Reduction in Fees Paid of 50% Based on 2016 FCC Order Implementation

DALLAS, TX July 21, 2017/Business Wire/ -- Securus Technologies, a leading provider of civil and criminal justice technology solutions for public safety, investigation, corrections and monitoring released today statistics on dramatic reductions in communication costs, increased products, improved customer service metrics, and improved security related features for inmates/friends and family members, corrections officials, and all of society.

Communications Pricing Overview:

Pricing Metric	Observation
Cost per minute – all calls	<ul style="list-style-type: none"> • Audio call rates have decreased by 27% in last 5 years
• Audio \$.18 per	<ul style="list-style-type: none"> • Remote video calls did not exist 5 years ago

minute

- Video \$.24 per minute

Total Jail Inmate Payments

For all jail inmates, price for all communications from booking to release is \$24.37, and that amount also facilitates the inmate's release.

- Booking to Release - \$24.37

Total Prison Inmate Payments per Month

Includes audio calls, video calls, tablets, music downloads, email, education, use of law library, bibles/religious reading, books, and commissary ordering.

- \$40.63 per month

Compare/contrast to other line expenses per month in society:

- Cell phone - \$73
- Apartment Rent - \$1,200
- Commissary - \$139
- Cost of Bail - \$2,000 to \$5,000
- Vehicle Costs - \$725
- Cigarettes/Smoking - \$139
- Monthly Incarceration Cost - \$4,167

Jail Price - \$24.37
Prison Price - \$40.63

“Securus is providing facts today to effectively defend our efforts to reduce/control inmate communications costs and provide the best product set available,” said Richard A. (“Rick”) Smith, Chairman and Chief Executive Officer of Securus Technologies.

“There are some inmate advocate groups, their attorney, and even a current Federal Communications Commissioner who uses outrageous, non-fact based statistics to disparage Securus and our entire industry with high rate examples that are not taken out of context – they are plain wrong and I believe used to incite their constituencies.

Comments like ‘\$25 per minute’ charge examples just do not exist for Securus,” said Smith.

Smith used these facts to make his point:

- **“Our average rate for June, 2017 is \$.184 per minute, or \$2.21 per call;**
- The average jail inmate pays Securus \$24.37 from booking to release for all our services over an 18-day period – and that includes calls that eventually lead to their release;
- We have seen a reduction in the rates per minute that we charge by 27% in the last 5 years and interstate rates by 72% in the last 7 years. It’s rare to see that magnitude of a decrease for critical services;
- For prison inmates, we charge \$40.63 per month for everything including audio calls, video calls, tablets, music downloads, education services, Prison Rape Elimination Act compliance, book downloads, law library access, videos, and more and more and more;
- Compare the above charges to what others charge outside of corrections like \$73 per month for a cellphone, or cigarettes at \$139 per month, or commissary ordering of \$140 per month, and our cost is very reasonable.”

“Making an audio or video call at a secure, inmate hardened phone with anti-suicide features, that is recorded, operates 7x24x365 with 99.999% reliability, dips +20 databases for security reasons, is equipped with voice biometric features to prevent theft, has word-spotting, and +1,000 other safety/security features is not the same as using your mother or father’s corner pay phone – far from it,” concluded Smith.

ABOUT SECURUS TECHNOLOGIES

Headquartered in Dallas, Texas, and serving more than 3,450 public safety, law enforcement and corrections agencies and over 1,200,000 inmates across North America, Securus Technologies is committed to serve and connect by providing emergency response, incident management, public information, investigation, biometric analysis, communication, information management, inmate self-service, and monitoring products and services in order to make our world a safer place to live. Securus Technologies focuses on connecting what matters[®]. To learn more about our full suite of civil and criminal justice technology solutions, please visit SecurusTechnologies.com.

07/21/2017 Securus Releases Data on Calling Rates - Dramatic Reduction in Rates and Fees

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<ul style="list-style-type: none"> • Audio \$.18 per minute • Video \$.24 per minute 	<ul style="list-style-type: none"> • Audio call rates have decreased by 27% in last 5 years • Remote video calls did not exist 5 years ago
Total Jail Inmate Payments	For all jail inmates, price for all communications from booking to release is \$24.37, and that amount also facilitates the inmate’s release.
<ul style="list-style-type: none"> • Booking to Release - \$24.37 	
Total Prison Inmate Payments per Month	Includes audio calls, video calls, tablets, music downloads, email, education, use of law library, bibles/religious reading, books, and commissary ordering.
<ul style="list-style-type: none"> • \$40.63 per month 	
	Compare/contrast to other line expenses per month in society:
Jail Price - \$24.37	<ul style="list-style-type: none"> • Cell phone - \$73
Prison Price - \$40.63	<ul style="list-style-type: none"> • Apartment Rent - \$1,200

- Commissary - \$139
- Cost of Bail - \$2,000 to \$5,000
- Vehicle Costs - \$725
- Cigarettes/Smoking - \$139
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Securus Technologies Compares Over-the-Counter Phone Rate versus Securus' Average Rate - Press Releases

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Press Release Jul 26, 2017

Securus Technologies Compares Over-the-Counter Phone Rate versus Securus' Average Rate

Securus Charges On Average \$.18 Per Minute Versus Well Known Mobile Phone Rate of \$.25 Per Minute for Domestic Audio Calling

Securus Charges On Average \$.09 Per Minute Including “Free Calls” – Extreme Value by Any Measure

DALLAS, TX July 26, 2017/Business Wire/ -- Securus Technologies, a leading provider of civil and criminal justice technology solutions for public safety, investigation, corrections and monitoring announced today the results of a side-by-side comparison of voice calling rates for a 12-minute call on its Secure Calling Platform (SCP) versus a readily available phone from a major retailer loaded with two 120-minute prepaid cards at \$29.99 each.

Comparison Parameters:

	<u>SCP/Securus</u>	<u>Major Retailer Phone</u>	<u>Advantage</u>
Initial Price	\$3.00 (funding)	\$19.99	Securus
Average Billed Rate Per Minute	\$.18	\$.25	Securus
Average Rate Per Minute Including “Free Calls”	\$.09	\$.25	Securus

Other Features

	<u>SCP/Securus</u>	<u>Major Retailer</u> <u>Phone</u>	<u>Advantage</u>
Calls Recorded	Yes	No	Securus
Free Calls	Yes	No	Securus
Voice Biometrics	Yes	No	Securus
Personal ID Number	Yes	No	Securus
Personal Authorized Number List	Yes	No	Securus
500 Other Security Features	Yes	No	Securus
Funding Included in Rate for Inmates/Friends and Family and Government	Yes	No	Securus

“We produced this comparison in order to accurately portray rates charged by Securus to the 1.2 million inmates and the +25 million friends and family members that we serve each year,” said Richard A. (“Rick”) Smith, Chairman and Chief Executive Officer of Securus Technologies. “Too many times, those that don’t understand our business, portray all of our rates as being too high, more than other call plans, or being excessive – NONE OF THAT IS TRUE. We have to operate below the Federal Communications Commission (FCC) rate caps for interstate calling; we have to operate below intrastate rate caps in 18 states; and, we have to file and justify our rates in most of the other states. We also have filed formal cost studies in many states and at the FCC. In the FCC Cost Study, our average cost to provide service including commissions was \$.24. That is our average, with a range around that average based on size of facility. Sometimes, others less knowledgeable in our business say we have ‘high rates.’ They are dead wrong,” said Smith.

“When you think of Securus’ rates – including all of the free calls that we provide – think \$.09 per minute, and that rate includes maintaining a recording of each call for +10 years with +500 other security features that keep inmates, friends, family, victims, witnesses, law enforcement, corrections, and all of society safe. That represents an extraordinarily low rate. But we can do better and I expect rates to continue to decline over time because of competition and Securus’ efficiencies,” Smith commented.

“Ultimately, we propose rates but government officials that manage prisons and jails

have to agree to the rates that we charge. We are partners in the provision of our services and serve at their pleasure. We make sure that when we propose a rate, we comply with all state and federal rules – then the state or county or local government approves the rates that we charge. Our objective is to always have the lowest rates for everyone.

“We provide a high level of service and value for what we charge. **Look at the data – the data does not lie,”** concluded Smith.

ABOUT SECURUS TECHNOLOGIES

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07/26/2017 Securus Technologies Compares Over-the-Counter Phone Rate versus Securus' Average Rate

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EXHIBIT E

SECURUS RATES TO CALL PALACE OF AUBURN HILLS

County Facilities	Advanced Connect - First	Advanced Connect - Subsequent	15 Minute Rate	Direct Bill - First	Direct Bill - Subsequent	15 Minute Rate	Inmate Debit - First	Inmate Debit - Subsequent	15 Minute Rate	Traditional Collect - First	Traditional Collect - Subsequent	15 Minute Rate
Alcona County Sheriff	\$5.32	\$0.90	\$17.92	\$5.32	\$0.90	\$17.92	\$4.82	\$0.84	\$16.58	\$5.32	\$0.90	\$17.92
Alger County Sheriff	\$5.65	\$0.69	\$15.31	\$5.65	\$0.69	\$15.31	\$4.86	\$0.63	\$13.68	\$5.65	\$0.69	\$15.31
Alpena County Jail	\$5.26	\$0.84	\$17.02	\$5.26	\$0.84	\$17.02	\$4.76	\$0.78	\$15.68	\$5.26	\$0.84	\$17.02
Antrim County Sheriff Office	\$5.33	\$0.91	\$18.07	\$5.33	\$0.91	\$18.07	\$5.33	\$0.91	\$18.07	\$5.33	\$0.91	\$18.07
Arenac County Jail	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06
Baraga County Jail	\$5.36	\$0.69	\$15.02	\$5.36	\$0.69	\$15.02	\$5.36	\$0.69	\$15.02	\$5.36	\$0.69	\$15.02
Bay County Law Enforcement Center	\$5.36	\$0.69	\$15.02	\$5.36	\$0.69	\$15.02	\$5.36	\$0.69	\$15.02	\$5.36	\$0.69	\$15.02
Benzie County Sheriff	\$5.90	\$1.19	\$22.56	\$5.90	\$1.19	\$22.56	\$5.90	\$1.19	\$22.56	\$5.90	\$1.19	\$22.56
Branch County Jail	\$5.79	\$1.08	\$20.91	\$5.79	\$1.08	\$20.91	\$5.79	\$1.08	\$20.91	\$5.79	\$1.08	\$20.91
Cheboygan County Jail	\$5.23	\$0.81	\$16.57	\$5.23	\$0.81	\$16.57	\$5.23	\$0.81	\$16.57	\$5.23	\$0.81	\$16.57
Chippewa County Jail	\$5.52	\$0.88	\$17.84	\$5.52	\$0.88	\$17.84	\$5.52	\$0.88	\$17.84	\$5.52	\$0.88	\$17.84
Clare County Jail	\$5.61	\$1.19	\$22.27	\$5.61	\$1.19	\$22.27	\$5.61	\$1.19	\$22.27	\$5.61	\$1.19	\$22.27
Clinton County Jail	\$5.29	\$1.05	\$19.99	\$5.29	\$1.05	\$19.99	\$5.29	\$1.05	\$19.99	\$5.29	\$1.05	\$19.99
Delta County Jail	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06
Detroit Madison Center	\$4.64	\$0.69	\$14.30	\$4.64	\$0.69	\$14.30	\$4.64	\$0.69	\$14.30	\$4.64	\$0.69	\$14.30
Dickinson County Jail	\$4.16	\$0.37	\$9.34	\$4.16	\$0.37	\$9.34	\$4.16	\$0.37	\$9.34	\$4.16	\$0.37	\$9.34
Eaton County Sheriff	\$4.93	\$0.69	\$14.59	\$4.93	\$0.69	\$14.59	\$4.93	\$0.69	\$14.59	\$4.93	\$0.69	\$14.59
Emmet County Sheriff	\$5.25	\$0.83	\$16.87	\$5.25	\$0.83	\$16.87	\$5.25	\$0.83	\$16.87	\$5.25	\$0.83	\$16.87
Flint Police	\$4.30	\$0.35	\$9.20	\$4.30	\$0.35	\$9.20	\$4.30	\$0.35	\$9.20	\$4.30	\$0.35	\$9.20
Genesee County Jail	\$4.54	\$0.59	\$12.80	\$4.54	\$0.59	\$12.80	\$4.54	\$0.59	\$12.80	\$4.54	\$0.59	\$12.80
Gladwin County Jail	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06	\$4.90	\$0.63	\$13.72	\$5.40	\$0.69	\$15.06
Gogebic County Sheriff	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06
Grand Traverse County	\$3.62	\$0.62	\$12.30	\$3.62	\$0.62	\$12.30	\$3.62	\$0.62	\$12.30	\$3.62	\$0.62	\$12.30
Gratiot County Jail	\$3.62	\$0.62	\$12.30	\$5.05	\$0.82	\$16.53	\$5.05	\$0.82	\$16.53	\$5.05	\$0.82	\$16.53
Holland Police	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06
Houghton County Sheriff	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06
Houghton County Work Release	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06
Ingham County Correctional Facility	\$4.77	\$0.98	\$18.49	\$4.77	\$0.98	\$18.49	\$4.77	\$0.98	\$18.49	\$4.77	\$0.98	\$18.49
Ionia County Jail	\$4.83	\$0.88	\$17.15	\$4.83	\$0.88	\$17.15	\$4.83	\$0.88	\$17.15	\$4.83	\$0.88	\$17.15
Iosco County Sheriff	\$4.60	\$0.60	\$13.00	\$4.60	\$0.60	\$13.00	\$4.60	\$0.60	\$13.00	\$4.60	\$0.60	\$13.00
Iron County Sheriff	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06
Isabella County Jail	\$5.39	\$0.97	\$18.97	\$5.39	\$0.97	\$18.97	\$5.39	\$0.97	\$18.97	\$5.39	\$0.97	\$18.97
Jackson County Chanter Road Facility	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06
Jackson County Jail	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06
Kent County Correctional Facility	\$4.64	\$0.69	\$14.30	\$4.64	\$0.69	\$14.30	\$4.64	\$0.69	\$14.30	\$4.64	\$0.69	\$14.30
Kent County Courthouse Holding	\$4.64	\$0.69	\$14.30	\$4.64	\$0.69	\$14.30	\$4.64	\$0.69	\$14.30	\$4.64	\$0.69	\$14.30
Lansing Police	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06
Lapeer County Courthouse	\$5.31	\$1.07	\$20.29	\$5.31	\$1.07	\$20.29	\$5.31	\$1.07	\$20.29	\$5.31	\$1.07	\$20.29

County Facilities	Advanced Connect - First	Advanced Connect - Subsequent	15 Minute Rate	Direct Bill - First	Direct Bill - Subsequent	15 Minute Rate	Inmate Debit - First	Inmate Debit - Subsequent	15 Minute Rate	Traditional Collect - First	Traditional Collect - Subsequent	15 Minute Rate
Lapeer County Jail	\$5.31	\$1.07	\$20.29	\$5.31	\$1.07	\$20.29	\$5.31	\$1.07	\$20.29	\$5.31	\$1.07	\$20.29
Mackinac County Jail	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06
Marquette County Community Corrections Detention Center	\$5.87	\$1.16	\$22.11	\$5.87	\$1.16	\$22.11	\$5.87	\$1.16	\$22.11	\$5.87	\$1.16	\$22.11
Marquette Sheriff	\$5.87	\$1.16	\$22.11	\$5.87	\$1.16	\$22.11	\$5.87	\$1.16	\$22.11	\$5.87	\$1.16	\$22.11
Menominee County Jail	\$5.31	\$0.89	\$17.77	\$5.31	\$0.89	\$17.77	\$5.31	\$0.89	\$17.77	\$5.31	\$0.89	\$17.77
Midland County Jail	\$3.64	\$0.64	\$12.60	\$3.64	\$0.64	\$12.60	\$3.64	\$0.64	\$12.60	\$3.64	\$0.64	\$12.60
Missaukee County Sheriff Office	\$5.41	\$0.99	\$19.27	\$5.41	\$0.99	\$19.27	\$5.41	\$0.99	\$19.27	\$5.41	\$0.99	\$19.27
Montcalm Sheriff	\$5.70	\$0.99	\$19.56	\$5.70	\$0.99	\$19.56	\$5.70	\$0.99	\$19.56	\$5.70	\$0.99	\$19.56
Montmorency Sheriff	\$5.36	\$0.69	\$15.02	\$5.36	\$0.69	\$15.02	\$5.36	\$0.69	\$15.02	\$5.36	\$0.69	\$15.02
Muskegon County Jail	\$5.64	\$0.97	\$19.22	\$5.64	\$0.97	\$19.22	\$5.64	\$0.97	\$19.22	\$5.64	\$0.97	\$19.22
Newaygo County Jail	\$5.14	\$1.19	\$21.80	\$5.14	\$1.19	\$21.80	\$5.14	\$1.19	\$21.80	\$5.14	\$1.19	\$21.80
Niles Law Enforcement Complex	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06
Ogemaw County Jail	\$5.47	\$1.05	\$20.17	\$5.47	\$1.05	\$20.17	\$5.47	\$1.05	\$20.17	\$5.47	\$1.05	\$20.17
Ontonagon County Jail	\$5.65	\$0.69	\$15.31	\$5.65	\$0.69	\$15.31	\$5.65	\$0.69	\$15.31	\$5.65	\$0.69	\$15.31
Otsego County Jail	\$5.11	\$0.69	\$14.77	\$5.11	\$0.69	\$14.77	\$5.11	\$0.69	\$14.77	\$5.11	\$0.69	\$14.77
Ottawa County Jail	\$5.14	\$1.19	\$21.80	\$5.14	\$1.19	\$21.80	\$5.14	\$1.19	\$21.80	\$5.14	\$1.19	\$21.80
Ottawa County Juvenile Detention	\$5.14	\$1.19	\$21.80	\$5.14	\$1.19	\$21.80	\$5.14	\$1.19	\$21.80	\$5.14	\$1.19	\$21.80
Presque Isle County Jail	\$5.65	\$0.69	\$15.31	\$5.65	\$0.69	\$15.31	\$5.65	\$0.69	\$15.31	\$5.65	\$0.69	\$15.31
Roscommon County Jail	\$5.90	\$1.19	\$22.56	\$5.90	\$1.19	\$22.56	\$5.40	\$1.13	\$21.22	\$5.90	\$1.19	\$22.56
Saginaw County Sheriff	\$5.73	\$1.02	\$20.01	\$5.73	\$1.02	\$20.01	\$5.73	\$1.02	\$20.01	\$5.73	\$1.02	\$20.01
Sanilac County Jail	\$8.20	\$0.01	\$8.34	\$8.20	\$0.01	\$8.34	\$0.50	\$0.50	\$7.50	\$8.20	\$0.01	\$8.34
Schoolcraft County Jail	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06	\$5.40	\$0.69	\$15.06
Shiawassee County Jail	\$5.09	\$0.85	\$16.99	\$5.09	\$0.85	\$16.99	\$5.09	\$0.85	\$16.99	\$5.09	\$0.85	\$16.99
Shiawassee County Work Release	\$5.09	\$0.85	\$16.99	\$5.09	\$0.85	\$16.99	\$5.09	\$0.85	\$16.99	\$5.09	\$0.85	\$16.99
St Clair County Jail	\$5.05	\$1.10	\$20.45	\$5.05	\$1.10	\$20.45	\$5.05	\$1.10	\$20.45	\$5.05	\$1.10	\$20.45
St Joseph County Jail	\$1.20	\$0.70	\$11.00	\$1.20	\$0.70	\$11.00	\$1.20	\$0.70	\$11.00	\$1.20	\$0.70	\$11.00
Van Buren County Jail	\$5.90	\$1.19	\$22.56	\$5.90	\$1.19	\$22.56	\$5.90	\$1.19	\$22.56	\$5.90	\$1.19	\$22.56
Washtenaw County Sheriffs	\$4.93	\$0.69	\$14.59	\$4.93	\$0.69	\$14.59	\$4.93	\$0.69	\$14.59	\$4.93	\$0.69	\$14.59
Wayne County – Andrew Baird Detention Facility	\$0.50	\$0.50	\$7.50	\$0.66	\$0.66	\$9.90	\$0.27	\$0.27	\$4.05	\$0.66	\$0.66	\$9.90
Wayne County – Old Wayne County Jail	\$0.50	\$0.50	\$7.50	\$0.66	\$0.66	\$9.90	\$0.27	\$0.27	\$4.05	\$0.66	\$0.66	\$9.90
Wayne County – Road Patrol Lockup Facility	\$0.48	\$0.48	\$7.20	\$0.64	\$0.64	\$9.60	\$0.25	\$0.25	\$3.75	\$0.64	\$0.64	\$9.60
Wayne County – William Dickerson Detention Facility	\$0.50	\$0.50	\$7.50	\$0.66	\$0.66	\$9.90	\$0.27	\$0.27	\$4.05	\$0.66	\$0.66	\$9.90
Wexford County Jail	\$5.87	\$1.16	\$22.11	\$5.87	\$1.16	\$22.11	\$5.87	\$1.16	\$22.11	\$5.87	\$1.16	\$22.11
Average Rates:	\$4.81	\$0.78	\$15.78	\$4.87	\$0.80	\$16.01	\$4.67	\$0.78	\$15.59	\$4.83	\$0.80	\$15.97

Rates Obtained July 27, 2017 from: <https://securustech.net/call-rate-calculator>